



House of Representatives

File No. 877

General Assembly

January Session, 2013

(Reprint of File Nos. 474 and 727)

Substitute House Bill No. 6653
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2013

**AN ACT CONCERNING DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO
ASSIST MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 22a-6g of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) Any person who submits an application to the Commissioner of
5 Energy and Environmental Protection for any permit or other license
6 pursuant to section 22a-32, 22a-39, as amended by this act, 22a-174,
7 22a-208a, 22a-342, 22a-361, as amended by this act, 22a-368, 22a-403, as
8 amended by this act, or 22a-430, as amended by this act, subsection (b)
9 or (c) of section 22a-449, section 22a-454 or Section 401 of the federal
10 Water Pollution Control Act (33 USC 466 et seq.), except an application
11 for authorization under a general permit shall: (1) [Include with such
12 application a signed statement certifying that the applicant will
13 publish notice of such application on a form supplied by the
14 commissioner in accordance with this section; (2) publish] Publish

15 notice of such application in a newspaper of general circulation in the
16 affected area; [(3) send the commissioner a certified copy of such notice
17 as it appeared in the newspaper; and (4)] (2) notify the chief elected
18 official of the municipality in which the regulated activity is proposed;
19 and (3) include with such application a copy of such notice as it
20 appeared in the newspaper and a signed statement certifying that the
21 applicant notified the chief elected official of the municipality in which
22 such regulated activity is proposed. Such notices shall include: (A) The
23 name and mailing address of the applicant and the address of the
24 location at which the proposed activity will take place; (B) the
25 application number, if available; (C) the type of permit sought,
26 including a reference to the applicable statute or regulation; (D) a
27 description of the activity for which a permit is sought; (E) a
28 description of the location of the proposed activity and any natural
29 resources affected thereby; (F) the name, address and telephone
30 number of any agent of the applicant from whom interested persons
31 may obtain copies of the application; and (G) a statement that the
32 application is available for inspection at the office of the Department of
33 Energy and Environmental Protection. The commissioner shall not
34 process an application until the applicant has submitted to the
35 commissioner a copy of the notice and the signed statement required
36 by this section. The provisions of this section shall not apply to
37 discharges exempted from the notice requirement by the commissioner
38 pursuant to subsection (b) of section 22a-430, as amended by this act,
39 to hazardous waste transporter permits issued pursuant to section 22a-
40 454 or to special waste authorizations issued pursuant to section 22a-
41 209 and regulations adopted thereunder.

42 Sec. 2. Subsections (a) and (b) of section 22a-30 of the general
43 statutes are repealed and the following is substituted in lieu thereof
44 (*Effective October 1, 2013*):

45 (a) The commissioner or his authorized representative shall have the
46 right to enter upon any public or private property at reasonable times
47 to carry out the provisions of sections 22a-28 to 22a-35, inclusive. [The
48 commissioner may make an inventory of all tidal wetlands within the

49 state. The boundaries of such wetlands shall be shown on suitable
50 reproductions or aerial photographs to a scale of one inch equals two
51 hundred feet with such accuracy that they will represent a class D
52 survey. Such lines shall generally define the areas that are at or below
53 an elevation of one foot above local extreme high water. Such maps
54 shall be prepared to cover entire subdivisions of the state as
55 determined by the commissioner. Upon completion of the tidal
56 wetlands boundary maps for each subdivision, the commissioner shall
57 hold a public hearing. The commissioner shall give notice of such
58 hearing to each owner of record of all lands designated as such
59 wetland as shown on such maps by certified mail, return receipt
60 requested, not less than thirty days prior to the date set for such
61 hearing. The commissioner shall also cause notice of such hearing to be
62 published at least once not more than thirty days and not fewer than
63 ten days before the date set for such hearing in a newspaper or
64 newspapers having a general circulation in the town or towns where
65 such wetlands are located. After considering the testimony given at
66 such hearing and any other facts which may be deemed pertinent and
67 after considering the rights of affected property owners and the
68 purposes of sections 22a-28 to 22a-35, inclusive, the commissioner shall
69 establish by order the bounds of each of such wetlands. A copy of the
70 order, together with a copy of the map depicting such boundary lines,
71 shall be filed in the town clerk's office of all towns affected. The
72 commissioner shall give notice of such order to each owner of record
73 of all lands designated as such wetlands by mailing a copy of such
74 order to such owner by certified mail, return receipt requested. The
75 commissioner shall also cause a copy of such order to be published in a
76 newspaper or newspapers having a general circulation in the town or
77 towns where such wetlands are located. Any person aggrieved by such
78 order may appeal therefrom in accordance with the provisions of
79 section 4-183, except venue for such appeal shall be in the judicial
80 district of New Britain.]

81 (b) [The commissioner may periodically inspect the wetlands of the
82 state to determine the necessity for revision or correction of such tidal

83 wetlands boundary maps. If the commissioner finds that wetland areas
84 have been omitted from such maps or uplands have been included
85 within designated wetland boundaries or finds that the natural
86 processes of accretion, reliction, subsidence and erosion have rendered
87 such maps inaccurate he may revise such wetland boundary maps in
88 accordance with the provisions of subsection (a) of this section.
89 Notwithstanding the provisions of subsection (a) and this subsection,
90 any] Any regulated activities conducted upon any wetlands, whether
91 or not such wetlands have been mapped, shall be subject to the
92 provisions of sections 22a-32 to 22a-35, inclusive.

93 Sec. 3. Subsection (k) of section 22a-39 of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective*
95 *October 1, 2013*):

96 (k) Conduct a public hearing no sooner than thirty days and not
97 later than sixty days following the receipt by said commissioner of any
98 inland wetlands application, provided whenever the commissioner
99 determines that the regulated activity for which a permit is sought is
100 not likely to have a significant impact on the wetland or watercourse,
101 he may waive the requirement for public hearing after (1) publishing
102 notice, in a newspaper having general circulation in each town
103 wherever the proposed work or any part thereof is located, of his
104 intent to waive said requirement, and (2) mailing or providing by
105 electronic means notice of such intent to the chief administrative
106 officer in the town or towns where the proposed work, or any part
107 thereof, is located, and the chairman of the conservation commission
108 and inland wetlands agency of each such town or towns, except that
109 the commissioner shall hold a hearing on such application upon
110 receipt, [within] not later than thirty days after such notice has been
111 published, sent or mailed, of a petition signed by at least twenty-five
112 persons requesting such a hearing. The commissioner shall [(1)] (A)
113 publish notice of such hearing at least once not more than thirty days
114 and not fewer than ten days before the date set for the hearing in a
115 newspaper having a general circulation in each town where the
116 proposed work, or any part thereof, is located, and [(2)] (B) mail or

117 provide by electronic means notice of such hearing to the chief
118 administrative officer in the town or towns where the proposed work,
119 or any part thereof, is located, and the chairman of the conservation
120 commission and inland wetlands agency of each such town or towns.
121 All applications and maps and documents relating thereto shall be
122 open for public inspection at the office of the commissioner. The
123 commissioner shall state upon his records his findings and reasons for
124 the action taken;

125 Sec. 4. Subsection (d) of section 22a-45a of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *October 1, 2013*):

128 (d) Any general permit issued under this section shall require that
129 any state agency, department or instrumentality other than a regional
130 or local board of education, intending to conduct an activity covered
131 by such general permit [shall, at least sixty days before initiating such
132 activity,] give written notice of such intention to the inland wetlands
133 agency, zoning commission, planning commission or combined
134 planning and zoning commission and conservation commission of any
135 municipality which will or may be affected by such activity and to the
136 department which shall make such notices available to the public. The
137 general permit shall specify the information which [must] shall be
138 contained in the notice. [An inland wetlands agency, planning and
139 zoning commission, conservation commission or any person may
140 submit written comments to the commissioner concerning such
141 activity not later than twenty-five days prior to the date that the
142 activity is proposed to begin.]

143 Sec. 5. Subsection (d) of section 22a-354m of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective*
145 *October 1, 2013*):

146 (d) [On or before July 1, 1999, the] The Commissioner of Energy and
147 Environmental Protection, in consultation with the Commissioner of
148 Agriculture, the United States Soil Conservation Service, the

149 Cooperative Extension Service at The University of Connecticut and
150 the Council for Soil and Water Conservation [, shall] may publish
151 notice of intent to adopt regulations in accordance with chapter 54 for
152 farm resources management plans. Such regulations [shall] may
153 include, but not be limited to, a priority system and procedures for
154 determining if a farm management plan is required and the priority
155 that is assigned to the preparation of such a plan, best management
156 practices, restrictions and prohibitions for manure management,
157 storage and handling of pesticides, reduced use of pesticides through
158 pest management practices, integrated pest management, fertilizer
159 management and underground and above-ground storage tanks and
160 criteria and procedures for submission and review of farm resources
161 management plans and amendments of such plans. In adopting such
162 best management practices, restrictions and prohibitions, the
163 commissioner shall consider existing state and federal guidelines or
164 regulations affecting aquifers and agricultural resources management.

165 Sec. 6. Subsection (b) of section 22a-361 of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective*
167 *October 1, 2013*):

168 (b) The commissioner, at least thirty days before approving or
169 denying an application for a permit, shall provide or require the
170 applicant to provide notice by certified mail, return receipt requested,
171 or by electronic means to the applicant, to the Commissioner of
172 Transportation, the Attorney General and the Commissioner of
173 Agriculture and to the chief executive officer, the chairmen of the
174 planning, zoning, harbor management and shellfish commissions of
175 each town in which such structure, fill, obstruction, encroachment or
176 dredging is to be located or work to be performed, and to the owner of
177 each franchised oyster ground and the lessee of each leased oyster
178 ground within which such work is to be performed and shall publish
179 such notice once in a newspaper having a substantial circulation in the
180 area affected. Such notice shall contain (1) the name of the applicant;
181 (2) the location and nature of the proposed activities; (3) the tentative
182 decision regarding the application; and (4) any additional information

183 the commissioner deems necessary. There shall be a comment period
184 following the public notice during which interested persons may
185 submit written comments. The commissioner may hold a public
186 hearing prior to approving or denying an application if, in the
187 commissioner's discretion, the public interest will best be served by
188 holding such hearing. The commissioner shall hold a public hearing if
189 the commissioner receives: (A) A written request for such public
190 hearing from the applicant, or (B) a petition, signed by twenty-five or
191 more persons requesting such public hearing on an application. [that
192 will: (i) Significantly impact any shellfish area, as determined by the
193 director of the Bureau of Aquaculture at the Department of
194 Agriculture, (ii) have interstate ramifications, or (iii) involve any
195 project that requires a certificate issued pursuant to section 16-50k or
196 approval by the Federal Energy Regulatory Commission.] Following
197 such notice and comment period and public hearing, if applicable, the
198 commissioner may, in whole or in part, approve, modify and approve
199 or deny the application. The commissioner shall provide to the
200 applicant and the persons set forth above, by certified mail, return
201 receipt requested, or by electronic means, notice of the commissioner's
202 decision. If the commissioner requires the applicant to provide the
203 notice specified in this subsection, the applicant shall certify to the
204 commissioner, not later than twenty days after providing such notice,
205 that such notice has been provided in accordance with this subsection.
206 Any person who is aggrieved by the commissioner's final decision on
207 such application may appeal such decision to the Superior Court in
208 accordance with section 4-183.

209 Sec. 7. Subsections (c) and (d) of section 22a-371 of the general
210 statutes are repealed and the following is substituted in lieu thereof
211 (*Effective October 1, 2013*):

212 (c) If the commissioner finds that an application is complete, he shall
213 notify the applicant by electronic means or certified mail, return
214 receipt requested. The commissioner shall also notify the applicant of
215 the time, date and location of any public hearing to be held on the
216 application.

217 (d) Upon notifying the applicant in accordance with subsection (c)
218 of this section that the application is complete, the commissioner shall
219 immediately provide, by electronic means, notice of the application
220 and a concise description of the proposed diversion to the Governor,
221 the Attorney General, the speaker of the House of Representatives, the
222 president pro tempore of the Senate, the Secretary of the Office of
223 Policy and Management, the Commissioners of Public Health and
224 Economic and Community Development, the chairperson of the Public
225 Utilities Regulatory Authority, the chief executive officer and chairmen
226 of the conservation commission and wetlands agency of the
227 municipality or municipalities in which the proposed diversion will
228 take place or have effect, and any person who has requested notice of
229 such activities.

230 Sec. 8. Subsection (a) of section 22a-403 of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective*
232 *October 1, 2013*):

233 (a) Before any person constructs, alters, rebuilds, substantially
234 repairs, adds to, replaces or removes any such structure, such person
235 shall apply to the commissioner for a permit to undertake such work.
236 The application for such permit shall be in triplicate, the original of
237 which, with necessary drawings, plans, specifications and other data,
238 shall be submitted to the commissioner, in the form and to the extent
239 required by him. If the commissioner finds that an application is
240 complete, he shall (1) notify the applicant by electronic means or
241 certified mail, return receipt requested, of his intent to grant a permit
242 with or without terms and conditions or to deny a permit for such
243 work, and (2) publish notice of such intention in a newspaper having a
244 general circulation in the area in which the proposed work will take
245 place or have effect. The commissioner shall mail or provide by
246 electronic means notice of such intent to the chief executive officer, the
247 inland wetland agency, and the planning, zoning and conservation
248 commissions of each town in which the work will take place or have
249 effect. The commissioner may hold a hearing prior to approving or
250 denying any application if, in his discretion, the public interest will be

251 best served thereby, and he shall hold a hearing if, within thirty days
252 after such notice has been published, he receives a petition requesting
253 such a hearing signed by at least twenty-five persons. Notice of such
254 hearing shall be published at least thirty days before the hearing in a
255 newspaper having a general circulation in the area in which the work
256 will take place or have effect.

257 Sec. 9. Subsection (j) of section 22a-430 of the general statutes is
258 repealed and the following is substituted in lieu thereof (*Effective*
259 *October 1, 2013*):

260 (j) (1) The commissioner may exempt persons who or municipalities
261 which apply for permits for the following discharges from the
262 requirement to submit plans and specifications under subsection (b) of
263 this section:

264 (A) A discharge from a new treatment or disposal system which
265 system is substantially the same as a system that the applicant is
266 operating in compliance with a permit for said system issued by the
267 commissioner;

268 (B) The discharge is described in a general permit issued by the
269 commissioner pursuant to section 22a-430b;

270 (C) The discharge is from a system, the purpose of which, as
271 determined by the commissioner, is not to treat any toxic or hazardous
272 substances; or

273 (D) The discharge is exempt from public notice under subsection (b)
274 of this section and regulations adopted thereunder.

275 (2) The commissioner shall adopt regulations not later than [June 30,
276 2011] February 1, 2015, in accordance with the provisions of chapter 54,
277 to establish other categories of discharges which may be exempted
278 from the requirement to submit plans and specifications under
279 subsection (b) of this section. Such regulations may include, but not be
280 limited to, the following: (A) Minimum standards for the design and

281 operation of treatment systems for such discharges; and (B)
282 requirements for submission of information concerning such
283 discharges.

284 Sec. 10. Subsections (e) and (f) of section 22a-461 of the general
285 statutes are repealed and the following is substituted in lieu thereof
286 (*Effective October 1, 2013*):

287 [(e) The commissioner shall adopt regulations, in accordance with
288 the provisions of chapter 54, to require the registration of sewage
289 system additives.]

290 [(f)] (e) Any person who violates any provision of this section may
291 be fined not less than one hundred dollars or more than three hundred
292 dollars for the first offense, and not less than three hundred dollars or
293 more than five hundred dollars for the second and each subsequent
294 offense. A separate and distinct offense shall be construed to be
295 committed each day on which such person shall continue or permit
296 any such violation.

297 Sec. 11. Section 22a-434 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2013*):

299 When the commissioner issues a final order to any person to correct
300 potential sources of pollution or to abate pollution, the commissioner
301 shall cause a certified copy thereof to be filed on the land records in the
302 town wherein the land is located, and such order shall constitute a
303 notice to the owner's heirs, successors and assigns. When the order
304 [has been fully] is complied with or revoked, the commissioner shall
305 issue a certificate showing such compliance or revocation, which
306 certificate the commissioner shall cause to be recorded on the land
307 records in the town wherein the order was previously recorded. A
308 certified copy of the certificate shall be sent to the owner of the land at
309 such owner's last-known post office address.

310 Sec. 12. Section 22a-449m of the general statutes is repealed and the
311 following is substituted in lieu thereof (*Effective October 1, 2013*):

312 [(a)] Any remediation of contaminated soil or groundwater the cost
313 of which is to be paid out of the program established under subsection
314 (a) of section 22a-449c shall be performed by or under the direct onsite
315 supervision of a registered contractor, as defined in sections 22a-449l
316 and 22a-449n, and shall be performed in accordance with regulations
317 adopted by the commissioner pursuant to section 22a-133k that
318 establish direct exposure criteria for soil, pollutant mobility criteria for
319 soil and groundwater protection criteria for GA and GAA areas. If the
320 replacement of any such residential underground heating oil storage
321 tank system performed pursuant to the provisions of this section
322 involves installation of an underground petroleum storage tank, such
323 tank shall conform to any standards which apply to new underground
324 petroleum storage tanks.

325 [(b) The commissioner shall adopt regulations, in accordance with
326 the provisions of chapter 54, setting forth the standards and criteria for
327 residential underground heating oil storage tank systems which may
328 include, but not be limited to, (1) standards for criteria for the design,
329 installation, operation, maintenance and monitoring of such facilities,
330 (2) the life expectancy after which such systems must be removed and
331 replaced, and (3) standards and procedures for the granting of a
332 waiver for the installation of a new residential underground heating
333 oil storage tank system or the replacement of an existing system. The
334 commissioner shall adopt regulations, in accordance with the
335 provisions of chapter 54, regarding the removal of all pipes connected
336 to both above ground and underground residential heating oil storage
337 tank systems, when a storage tank is removed, regardless of the
338 storage tank's capacity.]

339 Sec. 13. Subsection (e) of section 22a-361 of the general statutes is
340 repealed and the following is substituted in lieu thereof (*Effective*
341 *October 1, 2013*):

342 (e) No person, firm or corporation, public, municipal or private,
343 who removes sand, gravel or other material lying waterward of the
344 mean high water mark of the tidal, coastal or navigable waters of the

345 state pursuant to a permit issued under this section on or after October
346 1, 1996, shall make any beneficial or commercial use of such sand,
347 gravel or other material except upon payment to the state of a fee. [of
348 four dollars per cubic yard of such sand, gravel and other materials.]
349 Such payment shall be made at times and under conditions specified
350 by the commissioner in such permit, provided the commissioner may
351 waive such payment for the beneficial or commercial use of sand,
352 gravel, or other material that such person, firm or corporation
353 decontaminates or processes to meet applicable environmental
354 standards for reuse. No fee shall be assessed for (1) the performance of
355 such activities on land which is not owned by the state, (2) the use of
356 sand, gravel or other materials for beach restoration projects, or (3)
357 ultimate disposal of such sand, gravel or other materials which does
358 not result in an economic benefit to any person. For the purposes of
359 this section, "beneficial or commercial use" includes, but is not limited
360 to, sale or use of sand, gravel or other materials for construction,
361 aggregate, fill or landscaping. The commissioner may adopt
362 regulations, in accordance with the provisions of chapter 54,
363 establishing the amount of the fee required pursuant to this subsection.
364 Such fee shall be four dollars per cubic yard of such sand, gravel and
365 other material until such time as the commissioner adopts such
366 regulations.

367 Sec. 14. Section 22a-2d of the general statutes is repealed and the
368 following is substituted in lieu thereof (*Effective October 1, 2013*):

369 (a) There is established a Department of Energy and Environmental
370 Protection, which shall have jurisdiction relating to the preservation
371 and protection of the air, water and other natural resources of the state,
372 energy and policy planning and regulation and advancement of
373 telecommunications and related technology. For the purposes of
374 energy policy and regulation, the department shall have the following
375 goals: (1) Reducing rates and decreasing costs for Connecticut's
376 ratepayers, (2) ensuring the reliability and safety of our state's energy
377 supply, (3) increasing the use of clean energy and technologies that
378 support clean energy, and (4) developing the state's energy-related

379 economy. For the purpose of environmental protection and regulation,
380 the department shall have the following goals: (A) Conserving,
381 improving and protecting the natural resources and environment of
382 the state, and (B) preserving the natural environment while fostering
383 sustainable development. The Public Utilities Regulatory Authority
384 within the department shall be responsible for all matters of rate
385 regulation for public utilities and regulated entities under title 16 and
386 shall promote policies that will lead to just and reasonable utility rates.
387 The department head shall be the Commissioner of Energy and
388 Environmental Protection who shall be appointed by the Governor in
389 accordance with the provisions of sections 4-5 to 4-8, inclusive, with
390 the powers and duties therein prescribed. The Department of Energy
391 and Environmental Protection shall establish bureaus, one of which
392 shall be designated an energy bureau.

393 (b) The Department of Energy and Environmental Protection shall
394 constitute a successor department to the Department of Environmental
395 Protection and the Department of Public Utility Control in accordance
396 with the provisions of sections 4-38d, 4-38e and 4-39.

397 (c) Wherever the words "Commissioner of Environmental
398 Protection" are used or referred to in the following sections of the
399 general statutes, the words "Commissioner of Energy and
400 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
401 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-
402 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-
403 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, as amended by this act,
404 7-246f, 7-247, 7-249a, 7-323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-
405 231d, 10-231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-
406 217mm, 12-263m, 12-407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b,
407 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329,
408 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h,
409 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125, 15-127, 15-130, 15-
410 133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-
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416 91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, 22a-6a, 22a-
417 6b, 22a-6e, 22a-6f, 22a-6g, as amended by this act, 22a-6h, as amended
418 by this act, 22a-6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s,
419 22a-6u, 22a-6v, 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-
420 7a, 22a-7b, 22a-8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c,
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423 29, 22a-35a, 22a-38, 22a-42a, 22a-44, 22a-45a, as amended by this act,
424 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54, 22a-54a, 22a-56a, 22a-66a,
425 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-
426 106a, 22a-109, 22a-113n, 22a-113t, 22a-114, 22a-115, 22a-118, 22a-122,
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434 174j, 22a-174k, [22a-174l, 22a-174m,] 22a-180, 22a-182a, 22a-183, 22a-
435 186, 22a-188, 22a-188a, 22a-191, 22a-191a, 22a-192, 22a-193, 22a-194a,
436 22a-194c, 22a-194f, 22a-198, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-
437 200c, [22a-201a, 22a-201b,] 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-
438 208e, 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-
439 208q, 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-208aa, 22a-208bb,
440 22a-209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-209h, 22a-209i,
441 [22a-213a,] 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220, 22a-220a,
442 22a-220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-230, 22a-231,
443 22a-233a, 22a-235, 22a-235a, 22a-237, 22a-238, as amended by this act,
444 22a-239, [22a-240,] 22a-240a, 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-
445 241h, 22a-241j, 22a-245, 22a-245a, 22a-245b, 22a-245d, 22a-248, 22a-250,
446 22a-250a, 22a-250b, 22a-250c, 22a-252, 22a-255b, [22a-255c,] 22a-255d,
447 22a-255f, 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o,

448 22a-256q, 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260, 22a-264,
449 22a-283, 22a-285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j,
450 22a-295, 22a-300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-317,
451 22a-318, 22a-319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-328,
452 22a-336, 22a-337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-
453 339g, 22a-339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b,
454 22a-354c, 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-354j,
455 22a-354k, 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v,
456 22a-354w, 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc, 22a-355,
457 22a-357, 22a-359, 22a-361, as amended by this act, 22a-361a, 22a-363b,
458 22a-364, 22a-367, 22a-368a, 22a-378a, 22a-381, 22a-401, 22a-402, 22a-406,
459 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b, 22a-430c, 22a-434a, 22a-
460 439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-449e, 22a-449f, 22a-449g,
461 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-449l, 22a-449n, 22a-449p,
462 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-453a, 22a-454c, 22a-457a,
463 22a-457b, 22a-458, 22a-459, 22a-461, as amended by this act, 22a-462,
464 22a-463, 22a-471, 22a-472, 22a-474, 22a-475, 22a-482, 22a-485, 22a-497,
465 22a-500, 22a-501, 22a-517, 22a-521, 22a-522, 22a-523, 22a-524, 22a-525,
466 22a-526, 22a-527, 22a-601, 22a-602, 22a-605, 22a-613, 22a-616, 22a-626,
467 22a-627, 22a-629, 22a-630, 22a-634, 22a-637, 22a-638, 22a-902, 23-4, 23-5,
468 23-5b, 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-10c, 23-10e,
469 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-16a, 23-17,
470 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b, 23-26c, 23-
471 26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a, 23-37b, 23-
472 41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-65i, 23-65j,
473 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75, 23-77, 23-
474 101, 23-102, 24-2, 25-33e, 25-33k, 25-33m, 25-33o, 25-34, 25-68b, 25-68i,
475 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-80, 25-83a,
476 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-102e, 25-102f, 25-102t, 25-102ii,
477 25-102qq, 25-102xx, 25-109e, 25-109q, 25-131, 25-139, 25-155, 25-157, 25-
478 178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-3b, 26-3c, 26-5,
479 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-27, 26-27b, 26-
480 27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a, 26-40c, 26-46,
481 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a, 26-86a, 26-86c,
482 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115, 26-119, 26-141a,

483 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d, 26-157e, 26-157h,
484 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-314, 26-315, 26-316,
485 28-1b, 28-31, 29-32b, 32-1e, 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-23x, 32-
486 242, 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-
487 66d, 47-66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a, 53a-54b and 53a-
488 217e.

489 (d) Wherever the words "Department of Environmental Protection"
490 are used or referred to in the following sections of the general statutes,
491 the words "Department of Energy and Environmental Protection" shall
492 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-
493 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-
494 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,
495 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-
496 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-
497 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-
498 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-
499 5b, 22a-6, 22a-6f, 22a-6g, as amended by this act, 22a-6l, 22a-6p, 22a-6r,
500 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a, 22a-21, 22a-21a, 22a-
501 21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-25, 22a-26, 22a-26a,
502 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-47a, 22a-58, 22a-61,
503 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122, 22a-123, 22a-126,
504 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, [22a-
505 174l,] 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b, 22a-200c, 22a-200d,
506 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-
507 245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m, 22a-256y, 22a-259,
508 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336, 22a-352, 22a-355,
509 22a-361, as amended by this act, 22a-363b, 22a-416, 22a-426, 22a-446,
510 22a-449f, 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-
511 521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-
512 10d, 23-15, 23-15b, 23-19, 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h,
513 23-65i, 23-65k, 23-67, 23-68, 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d,
514 25-33p, 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131,
515 25-157, 25-157a, 25-157b, 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a,
516 26-15, 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59,

517 26-66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300,
518 26-304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-1e, 32-9t, 32-9dd, 32-9kk,
519 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-242a, 32-726, 46b-220, 47-46a,
520 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a, 53a-217e, 54-56g and
521 54-143.

522 (e) Wherever the words "Department of Public Utility Control" are
523 used or referred to in the following sections of the general statutes, the
524 words "Public Utilities Regulatory Authority" shall be substituted in
525 lieu thereof: 1-84, 1-84b, 2-20a, 2-71p, 4-38c, 4a-57, 4a-74, 4d-2, 4d-80, 7-
526 223, 7-233t, 7-233ii, 8-387, 12-81q, 12-94d, 12-264, 12-265, 12-408b, 12-
527 412, 12-491, 13a-82, 13a-126a, 13b-10a, 13b-43, 13b-44, 13b-387a, 15-96,
528 16-1, 16-2, 16-2a, 16-6, 16-6a, 16-6b, 16-7, 16-8, 16-8b, 16-8c, 16-8d, 16-9,
529 16-9a, 16-10, 16-10a, 16-11, 16-12, 16-13, 16-14, 16-15, 16-16, 16-17, 16-18,
530 16-19, 16-19a, 16-19b, 16-19d, 16-19f, 16-19k, 16-19n, 16-19o, 16-19u, 16-
531 19w, 16-19x, 16-19z, 16-19aa, 16-19bb, 16-19cc, 16-19dd, 16-19ee, 16-
532 19ff, 16-19gg, 16-19jj, 16-19kk, 16-19mm, 16-19nn, 16-19oo, 16-19pp, 16-
533 19qq, 16-19tt, 16-19uu, 16-19vv, 16-20, 16-21, 16-23, 16-24, 16-25, 16-25a,
534 16-26, 16-27, 16-28, 16-29, 16-32, 16-32a, 16-32b, 16-32c, 16-32e, 16-32f,
535 16-32g, 16-33, 16-35, 16-41, 16-42, 16-43, 16-43a, 16-43d, 16-44, 16-44a,
536 16-45, 16-46, 16-47, 16-47a, 16-48, 16-49e, 16-50c, 16-50d, 16-50f, 16-50k,
537 16-50aa, 16-216, 16-227, 16-231, 16-233, 16-234, 16-235, 16-238, 16-243,
538 16-243a, 16-243b, 16-243c, 16-243f, 16-243i, 16-243j, 16-243k, 16-243m,
539 16-243n, 16-243p, 16-243q, 16-243r, 16-243s, 16-243t, 16-243u, 16-243v,
540 16-243w, 16-244a, 16-244b, 16-244c, 16-244d, 16-244e, 16-244f, 16-244g,
541 16-244h, 16-244i, 16-244k, 16-244l, 16-245, 16-245a, 16-245b, 16-245c, 16-
542 245e, 16-245g, 16-245l, 16-245p, 16-245q, 16-245s, 16-245t, 16-245u, 16-
543 245v, 16-245w, 16-245x, 16-245aa, 16-246, 16-246e, [16-246g,] 16-247c,
544 16-247j, 16-247l, 16-247m, 16-247o, 16-247p, 16-247t, 16-249, 16-250, 16-
545 250a, 16-250b, 16-256b, 16-256c, 16-256h, 16-256k, 16-258a, 16-258b, 16-
546 258c, 16-259, 16-261, 16-262a, 16-262c, 16-262d, 16-262i, 16-262j, 16-262k,
547 16-262l, 16-262m, 16-262n, 16-262o, 16-262q, 16-262r, 16-262s, 16-262v,
548 16-262w, 16-262x, 16-265, 16-269, 16-271, 16-272, 16-273, 16-274, 16-275,
549 16-276, 16-278, 16-280a, 16-280b, 16-280d, 16-280e, 16-280f, 16-280h, 16-
550 281a, 16-331, 16-331c, 16-331e, 16-331f, 16-331g, 16-331h, 16-331i, 16-

551 331j, 16-331k, 16-331n, 16-331o, 16-331p, 16-331q, 16-331r, 16-331t, 16-
552 331u, 16-331v, 16-331y, 16-331z, 16-331aa, 16-331cc, 16-331dd, 16-331ff,
553 16-331gg, 16-332, 16-333, 16-333a, 16-333b, 16-333e, 16-333f, 16-333g,
554 16-333h, 16-333i, 16-333l, 16-333n, 16-333o, 16-333p, 16-347, 16-348, 16-
555 356, 16-357, 16-358, 16-359, 16a-3b, 16a-3c, 16a-7b, 16a-7c, 16a-13b, 16a-
556 37c, subsection (b) of section 16a-38n, 16a-38o, 16a-40b, 16a-40k, 16a-41,
557 16a-46, 16a-46b, 16a-46c, 16a-47a, 16a-47b, 16a-47c, 16a-47d, 16a-47e,
558 16a-48, 16a-49, 16a-103, 20-298, 20-309, 20-340, 20-340a, 20-341k, 20-
559 341z, 20-357, 20-541, [22a-174l,] 22a-256dd, 22a-266, 22a-358, 22a-475,
560 22a-478, 22a-479, 23-8b, 23-65, 25-33a, 25-33h, 25-33k, 25-33l, 25-33p, 25-
561 37d, 25-37e, 26-141b, 28-1b, 28-24, 28-26, 28-27, 28-31, 29-282, 29-415,
562 32-80a, 32-222, 33-219, 33-221, 33-241, 33-951, 42-287, 43-44, 49-4c and
563 52-259a.

564 (f) Wherever the words "Secretary of the Office of Policy and
565 Management" are used or referred to in the following sections of title
566 16a, the words "Commissioner of Energy and Environmental
567 Protection" shall be substituted in lieu thereof: 16a-4d, 16a-14, 16a-22,
568 16a-22c, 16a-22h, 16a-22i, 16a-22j, 16a-23t, 16a-37f, 16a-38, 16a-38a, 16a-
569 38b, 16a-38i, 16a-38j, 16a-39b, 16a-40b, 16a-44b, 16a-46a, 16a-46b, 16a-
570 46c, 16a-46e, 16a-46f and 16a-102.

571 (g) Wherever the words "Office of Policy and Management" are
572 used or referred to in the following sections of title 16a, the words
573 "Department of Energy and Environmental Protection" shall be
574 substituted in lieu thereof: 16a-2, 16a-3, 16a-4d, 16a-6, 16a-7b, 16a-14,
575 16a-14e, 16a-20, 16a-22, 16a-22c, 16a-22h, 16a-22j, 16a-37c, 16a-37f, 16a-
576 37v, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, 16a-38l, 16a-39b,
577 16a-40b, 16a-44b, 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-46g, 16a-102
578 and 16a-106.

579 (h) Wherever the word "secretary" is used or referred to in the
580 following sections of title 16a, the word "commissioner" shall be
581 substituted in lieu thereof: 16a-2, 16a-3, 16a-4d, 16a-6, 16a-9, 16a-13,
582 16a-13a, 16a-13b, 16a-14, 16a-14a, 16a-14b, 16a-22, 16a-22c, 16a-22d,
583 16a-22e, 16a-22f, 16a-22h, 16a-22i, 16a-22j, 16a-23t, 16a-37f, 16a-38, 16a-

584 38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, 16a-39b, 16a-40b, 16a-44b, 16a-
585 45a, 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-102 and 16a-106.

586 (i) Wherever the word "department" is used or referred to in the
587 following sections of the general statutes, the word "authority" shall be
588 substituted in lieu thereof: 16-9, 16-9a, 16-10, 16-11, 16-13, 16-14, 16-16,
589 16-17, 16-19, 16-19b, 16-19d, 16-244d, 16-245a, 16-245f, 16-245g, [16-
590 246g,] 16-245h, 16-245i, 16-245j, 16-245k, 16-245n, 16-245p, 16-247b, 16-
591 247e, 16-247f, 16-247g, 16-247h, 16-247l, 16-247n, 16-247t, 16-262v, 16-
592 280a, 16-331 and 16-333d.

593 (j) Wherever the words "Renewable Energy Investment Fund" are
594 used or referred to in the following sections of the general statutes, the
595 words "Clean Energy Fund" shall be substituted in lieu thereof: 16-1,
596 16-243q, 16-245, 16-245e, 16-245f, 16-245i, 16-245j, 16-245w, 16-245aa,
597 16a-38p, and 32-9ww.

598 (k) Wherever the term "Department of Environmental Protection" or
599 "Department of Public Utility Control" is used or referred to in any
600 public or special act of 2011, or in any section of the general statutes
601 which is amended in 2011, "Department of Energy and Environmental
602 Protection" shall be substituted in lieu thereof.

603 (l) Wherever the term "Commissioner of Environmental Protection"
604 is used or referred to in any public or special act of 2011, or in any
605 section of the general statutes which is amended in 2011,
606 "Commissioner of Energy and Environmental Protection" shall be
607 substituted in lieu thereof.

608 (m) The Legislative Commissioners' Office shall, in codifying the
609 provisions of this section, make such conforming, technical,
610 grammatical and punctuation changes as are necessary to carry out the
611 purposes of this section.

612 Sec. 15. Section 22a-201c of the general statutes is repealed and the
613 following is substituted in lieu thereof (*Effective October 1, 2013*):

614 (a) As used in this section, "motor vehicle" means a motor vehicle, as
615 defined in section 14-1, with a gross vehicle weight rating, as defined
616 in section 14-1, of ten thousand pounds or less, except for a motorcycle.

617 [(a)] (b) On and after January 1, 2007, the Commissioner of Motor
618 Vehicles shall charge a fee of five dollars, in addition to any other fees
619 required for registration, for each new motor vehicle. Said fee may be
620 identified as the "greenhouse gas reduction fee" on any registration
621 form, or combined with the fee specified by subdivision (3) of
622 subsection (k) of section 14-164c. All receipts from the payment of such
623 fee shall be deposited into the General Fund.

624 [(b)] The Commissioner of Motor Vehicles may draw upon not more
625 than forty per cent of the funds generated pursuant to subsection (a) of
626 this section to implement the requirements of sections 22a-201a and
627 22a-201b.]

628 Sec. 16. Section 22a-236 of the general statutes is repealed and the
629 following is substituted in lieu thereof (*Effective October 1, 2013*):

630 The provisions of sections 22a-6a, 22a-6b, 22a-176, 22a-190 to 22a-
631 193, inclusive, and 22a-231 to [22a-240] 22a-239a, inclusive, shall apply
632 to any resources recovery plant or facility operating on or after July 1,
633 1986.

634 Sec. 17. Subsection (b) of section 22a-238 of the general statutes is
635 repealed and the following is substituted in lieu thereof (*Effective*
636 *October 1, 2013*):

637 (b) The commissioner shall, by regulations adopted in accordance
638 with chapter 54, establish qualifications for inspectors and operators of
639 resources recovery facilities. The provisions of this section shall not be
640 construed to limit the authority of the Commissioner of Energy and
641 Environmental Protection under the provisions of sections 22a-6a, 22a-
642 6b, 22a-176, 22a-190 to 22a-193, inclusive, and 22a-231 to [22a-240] 22a-
643 239a, inclusive, or any other environmental statute or regulation
644 adopted thereunder.

645 Sec. 18. Section 22a-255 of the general statutes is repealed and the
646 following is substituted in lieu thereof (*Effective October 1, 2013*):

647 As used in sections 22a-255a [to 22a-255c, inclusive] and 22a-255b:

648 (1) "Beverage" means beer or other malt beverages and mineral
649 waters, soda water and carbonated soft drinks in liquid form and
650 intended for human consumption;

651 (2) "Plastic bottle" means a container with a capacity of sixteen
652 ounces or more composed primarily of one or more plastics; and

653 (3) "Closure" means a screw on or twist off cap used to close a
654 container when such cap is not integral to the structure of the
655 container.

656 Sec. 19. Subsection (a) of section 25-204 of the general statutes is
657 repealed and the following is substituted in lieu thereof (*Effective*
658 *October 1, 2013*):

659 (a) A river committee shall prepare a written inventory of all
660 resources within the local drainage basin of the river for which the
661 committee was established. Such resources shall include fish and
662 wildlife; endangered and threatened species, species of special concern
663 and essential habitat identified by the commissioner pursuant to
664 chapter 495; tidal and inland wetlands; unique natural phenomena;
665 scenic areas; forest lands; agricultural lands, as defined in section 22-
666 26bb and which are identified by the Commissioner of Agriculture in
667 an inventory which said commissioner shall provide to the committee;
668 and archaeological and other historic resources. The inventory shall
669 specify which such resources render the river corridor exceptionally
670 valuable and suitable for designation. In addition, the inventory shall
671 identify existing uses within the river corridor, including agriculture,
672 public and private water supply, power generation, waste assimilation,
673 residential, commercial, industrial uses, recreation and water-based
674 transportation and other water-dependent uses, for the purpose of
675 determining whether any such uses are compatible with protection

676 and preservation of the river corridor's resources. In preparing the
 677 inventory a river committee shall utilize all relevant available
 678 information, including the state rivers assessment data base and
 679 wetland maps prepared pursuant to [sections 22a-30 and] section 22a-
 680 42a.

681 Sec. 20. Sections 16-246g, 22a-31, 22a-174l, 22a-174m, 22a-201 to 22a-
 682 201b, inclusive, 22a-213a, 22a-240, 22a-255c and 22a-370 of the general
 683 statutes are repealed. (*Effective October 1, 2013*)

| | | |
|---|------------------------|--------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2013</i> | 22a-6g(a) |
| Sec. 2 | <i>October 1, 2013</i> | 22a-30(a) and (b) |
| Sec. 3 | <i>October 1, 2013</i> | 22a-39(k) |
| Sec. 4 | <i>October 1, 2013</i> | 22a-45a(d) |
| Sec. 5 | <i>October 1, 2013</i> | 22a-354m(d) |
| Sec. 6 | <i>October 1, 2013</i> | 22a-361(b) |
| Sec. 7 | <i>October 1, 2013</i> | 22a-371(c) and (d) |
| Sec. 8 | <i>October 1, 2013</i> | 22a-403(a) |
| Sec. 9 | <i>October 1, 2013</i> | 22a-430(j) |
| Sec. 10 | <i>October 1, 2013</i> | 22a-461(e) and (f) |
| Sec. 11 | <i>October 1, 2013</i> | 22a-434 |
| Sec. 12 | <i>October 1, 2013</i> | 22a-449m |
| Sec. 13 | <i>October 1, 2013</i> | 22a-361(e) |
| Sec. 14 | <i>October 1, 2013</i> | 22a-2d |
| Sec. 15 | <i>October 1, 2013</i> | 22a-201c |
| Sec. 16 | <i>October 1, 2013</i> | 22a-236 |
| Sec. 17 | <i>October 1, 2013</i> | 22a-238(b) |
| Sec. 18 | <i>October 1, 2013</i> | 22a-255 |
| Sec. 19 | <i>October 1, 2013</i> | 25-204(a) |
| Sec. 20 | <i>October 1, 2013</i> | Repealer section |

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

| Agency Affected | Fund-Effect | FY 14 \$ | FY 15 \$ |
|---|--------------|-------------------|-------------------|
| Department of Energy and Environmental Protection | GF - Savings | Less than 200,000 | Less than 200,000 |

Municipal Impact: None

Explanation

The bill allows the Department of Energy and Environmental Protection (DEEP) to submit certain notices electronically rather than send notices through the mail. This is anticipated to result in a savings to DEEP of less than \$200,000 annually.

House "A" alters the underlying bill by making various changes to environmental laws that are not anticipated to result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of notices that are submitted electronically.

OLR Bill Analysis**sHB 6653 (as amended by House “A”)******AN ACT CONCERNING DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO ASSIST MUNICIPALITIES.*****SUMMARY:**

This bill makes many changes in the state’s environmental laws. Among other things, it:

1. modifies the information regarding public notice that certain permit and license applicants must provide to the Department of Energy and Environmental Protection (DEEP) commissioner (§ 1);
2. eliminates the commissioner’s authority to create tidal wetlands boundary maps (§§ 2 & 19);
3. allows the commissioner to provide certain notices electronically (§§ 3, 7 & 8);
4. removes the (a) 60-day deadline by which certain inland wetlands general permit applicants must notify local land use agencies of their intention to conduct the permitted activity and (b) provision allowing the agencies or any person to submit written comments on such activity to the commissioner (§ 4);
5. expands the circumstances where the commissioner must hold a public hearing for a permit to conduct certain activities below the coastal jurisdiction line (§ 6);
6. extends the date by which the commissioner must adopt regulations exempting categories of water discharges from certain plan and specification requirements (§ 9);

7. requires the commissioner to issue and record on the land records a certificate of revocation when he revokes a final order to correct potential sources of, or abate, pollution (§ 11); and
8. allows the commissioner to (a) set the fee for beneficial or commercial use of certain sand, gravel, or other material from waterward of the high water mark by regulation and (b) waive the fee (§ 13).

The bill repeals several environmental statutes, including a (1) public education program on solid waste disposal practices, (2) program related to greenhouse gas labeling for motor vehicles, and (3) requirement that DEEP offer carbon dioxide allowances (§§ 14-17 & 20, see Table 1).

It also eliminates requirements that DEEP adopt regulations on (1) farm resources management plans, (2) sewage system additive registration, (3) residential underground heating oil storage tank systems, and (4) official recycling symbols (§§ 5, 10, 12, 14, 18 & 20, see Table 1).

The bill also makes many technical and conforming changes.

*House Amendment "A" (1) removes provisions eliminating requirements for the commissioner to prepare, amend, and make lists of certain general permit holders publicly available and (2) restores the requirement that an inland wetland general permit for certain applicants requires notice of the permitted activity to local land use agencies.

EFFECTIVE DATE: October 1, 2013

§ 1 — NOTICE FOR INDIVIDUAL PERMITS OR LICENSES

By law, applicants for certain permits or licenses must publish a notice in a newspaper of general circulation in the affected area. These applicants must also notify the chief elected official in the town where the regulated activity is proposed. This requirement applies to permits

or licenses for conducting regulated activities in tidal or inland wetlands or certain activities below the coastal jurisdiction line, air containment source and solid waste facility construction, and dam construction or alteration, among others.

Current law also requires such applicants to (1) include with the application a signed statement certifying that they will publish notice of the activity on a form the DEEP commissioner supplies and (2) send a certified copy of the notice as it appeared in the newspaper to the commissioner. The bill instead requires such applicants to include with the application a (1) copy of the notice as it appeared in the newspaper and (2) signed statement certifying that the applicant notified the town's chief elected official.

The bill prohibits the commissioner from processing an application until the applicant submits to him the signed statement and a copy of the newspaper notice, instead of only the notice which current law requires.

§§ 2 & 19 — TIDAL WETLANDS INVENTORY

The bill eliminates DEEP's authority to inventory Connecticut's tidal wetlands. It correspondingly removes current law's requirements on the:

1. depiction of tidal wetlands in boundary maps;
2. procedure by which the maps are created, provided to the public, and may be appealed; and
3. process for the commissioner to (a) periodically inspect the wetlands to determine if revisions to the maps are necessary and (b) update the maps.

§§ 3, 7 & 8 — ELECTRONIC NOTICE

The bill allows the DEEP commissioner to provide certain notices by electronic means, instead of only by mail, in connection with permit applications for (1) inland wetlands regulated activity, (2) water

diversion, and (3) dam construction.

Inland Wetlands Regulated Activity Permit

The law allows the commissioner to waive the public hearing requirement for an inland wetlands application if he determines the activity is not likely to significantly impact the wetlands involved. But under current law, he must (1) publish, in a newspaper with general circulation in the impacted towns, notice of his intent to waive the hearing and (2) mail notice of his intent to the (a) chief administrative officer in the towns where the activity will occur and (b) such towns' conservation commission and inland wetlands agency chairmen. The bill allows the commissioner to notify the town officials electronically.

If the commissioner holds a public hearing on an inland wetlands application, the bill allows him to provide electronic notice of it to the chief administrative officer in the towns where the activity will occur and the towns' conservation commission and inland wetlands agency chairmen. Current law requires him to do so by mail.

Diversions Permit

The bill allows the commissioner to notify, by electronic means, an applicant for a water diversion permit that the application is complete. Under current law, he must provide this notice by certified mail, return receipt requested.

By law, after the commissioner notifies the applicant about a complete application, he must immediately provide notice of the application and a brief description of the proposed diversion to the:

1. governor,
2. attorney general,
3. House speaker,
4. Senate president pro tempore,
5. Office of Policy and Management secretary,

6. public health and economic and community development commissioners,
7. Public Utilities Regulatory Authority chairperson,
8. chief executive officer and chairmen of the conservation commission and wetlands agency of towns impacted by the diversion, and
9. anyone who requested notice.

The bill specifies that this notice is provided electronically.

Dam Work Permit

The bill allows the commissioner to notify, by electronic means, an applicant to conduct certain dam work of his intent to grant or deny a permit. Current law requires him to provide this notice by certified mail, return receipt requested.

The bill also allows the commissioner to notify by electronic means, instead of only by mail, his intent to the chief executive officer; inland wetland agency; and planning, zoning, and conservation commissions of each town where the work will occur or have effect.

§ 4 — INLAND WETLANDS GENERAL PERMIT NOTICE

By law, state agencies, departments, or instrumentalities, except regional or local boards of education, intending to conduct a minor regulated activity in inland wetlands covered by a DEEP general permit must provide written notice to the:

1. inland wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of a municipality that will or may be impacted by the activity and
2. departments that make such notices publicly available.

Current law requires the applicants to provide the notice at least 60

days before the activity starts. Under the bill, there is no specific timeframe to provide this notice.

The bill also eliminates current law's provision allowing any person, inland wetlands agency, planning and zoning commission, or conservation commission to submit written comments on the activity covered by such a general permit to the commissioner at least 25 days before the activity starts.

§ 5 — FARM RESOURCES MANAGEMENT PLANS

The bill allows, rather than requires, the DEEP commissioner to adopt regulations for farm resources management plans. Current law required him to publish notice of intent to adopt such regulations by July 1, 1999, but they have not been adopted. The bill allows, rather than requires, the regulations to include a priority system and procedures for deciding if a farm management plan is necessary; best management practices, restrictions, and prohibitions for manure management; storage and handling of pesticides; and criteria and procedures for submitting and reviewing the plans and amendments to the plans.

By law, the commissioner may require a farm resources management plan from anyone engaged in agriculture on land in an aquifer protection area with gross sales from agricultural products of at least \$2,500 during the prior calendar year. But he must do so according to the above regulations.

§ 6 — HEARINGS BY PETITION

The bill expands the circumstances in which the DEEP commissioner must hold a public hearing, upon petition, on a permit application to conduct certain activities below the coastal jurisdiction line in tidal, coastal, or navigable waters.

By law, DEEP regulates dredging, erecting structures, placing fill, and related work in tidal, coastal, or navigable waters below the coastal jurisdiction line. Current law requires the commissioner to hold

a public hearing on a permit application to conduct such work if he receives a petition signed by at least 25 people requesting one on an application that will (1) significantly affect a shellfish area, (2) have interstate ramifications, or (3) require a certificate of environmental compatibility and public need or approval from the Federal Energy Regulatory Commission. The bill instead requires the commissioner to hold a public hearing on an application if he receives a petition signed by at least 25 people requesting one for any reason.

The law also allows him to hold a public hearing on a permit application if he determines it is in the public interest and requires him to do so if he receives a request from the applicant.

§ 9 — REGULATIONS FOR EXEMPTING DISCHARGE SYSTEMS

The bill extends, from June 30, 2011 to February 1, 2015, the date by which the DEEP commissioner must adopt regulations exempting categories of wastewater discharges from submitting certain plans and specifications. By law, these regulations may (1) set minimum standards for designing and operating a discharge treatment system and (2) impose reporting requirements.

The law already allows the commissioner to exempt people and municipalities from this requirement if the discharge:

1. comes from a new system substantially the same as the current one as long as the current one is operating in compliance with a DEEP permit,
2. is described in a general permit,
3. comes from a system the commissioner determines was not designed to treat toxic or hazardous substances, or
4. is one the commissioner determined by regulation is not likely to cause substantial pollution.

§ 11 — CERTIFICATE OF REVOCATION

The bill requires the DEEP commissioner to issue a certificate of revocation and record it on the land records in the town where the land at issue is located, when he revokes a final order to abate water pollution or correct potential sources of such pollution. He must also send a copy of the certificate to the landowner. By law, the commissioner must issue and record a certificate of compliance and mail a copy to the landowner when such an order is complied with.

§ 13 — BENEFICIAL OR COMMERCIAL USE FEE

By law, anyone who removes sand, gravel, or other material lying waterward of the mean high water mark in Connecticut's tidal, coastal, or navigable waters under a permit generally must pay a \$4 per cubic yard fee to the state to make beneficial or commercial use of it. The bill authorizes the DEEP commissioner to adopt regulations establishing the fee amount. Until then, the fee remains \$4 per cubic yard. The bill also allows the commissioner to waive the fee if the sand, gravel, or other material is decontaminated or processed to meet applicable environmental standards for reuse.

§§ 10, 12, 14-18, & 20 — REPEALED STATUTES AND REGULATIONS

The bill repeals many environmental statutes and eliminates several provisions requiring DEEP to adopt regulations, as described in Table 1. It also makes technical and conforming changes based on their removal.

Table 1: Repealed Statutes and DEEP Regulation Requirements

| <i>Statutory Citation</i> | <i>Description</i> | <i>Bill §</i> |
|----------------------------------|---|----------------------|
| §§ 16-246g and 22a-174 | Requirement for DEEP to issue a general permit for constructing and operating certain emergency engines and distributed generation resources. Pilot program to increase the operation of these electric generation resources, implemented by DEEP's Public Utilities Regulatory Authority. | 14, 20 |
| § 22a-31 | Requirement that DEEP appoint hearing officers for tidal wetlands applications proceedings. | 20 |
| § 22a-174m | Requirement that DEEP offer carbon dioxide allowances, for a fixed price, to certain combined heat and power sources (cogeneration) subject to long-term power | 14, 20 |

| | | |
|------------------------|---|----------------|
| | purchase agreements. | |
| §§ 22a-201 to 22a-201b | Requirement for DEEP to establish programs for (1) greenhouse gas labeling for new vehicles sold or leased in Connecticut and (2) public education about the labeling. Prohibition on selling or leasing a new motor vehicle in the state without the Connecticut-specific label DEEP creates. Authorization to use up to 40% of funds from a “greenhouse gas reduction fee” charged on the registration of new motor vehicles to implement the labeling and education programs. (Federal law requires similar informational labels on new motor vehicles.) | 14, 15, 20 |
| § 22a-213a | Reporting requirement for biomedical waste generators to inform DEEP of its disposal contractor, the amount of waste, and the disposal site. (The state’s solid waste management regulations require generators to provide such information.) | 4, 20 |
| § 22a-240 | Public education program development requirement for DEEP to inform the public on risk assessment and risk management of solid waste disposal practices. | 14, 16, 17, 20 |
| § 22a-255c | Requirement for DEEP to adopt, by regulation, official recycling symbols and procedures for their use. | 14, 18, 20 |
| § 22a-370 | Notice requirement for people requesting a water diversion permit to inform the chief executive officer of the towns where the diversion will occur. (Another law, § 22a-6g, requires water diversion permit applicants to provide the same notice to the chief elected official of the town where the diversion is proposed.) | 20 |
| § 22a-449m(b) | Requirement for DEEP to adopt regulations (1) establishing standards and criteria for residential underground heating oil storage tank systems and (2) regarding the removal of pipes connected to aboveground and underground residential heating oil storage tank systems when a tank is removed. (The former DEEP residential underground heating oil tank program expired in 2001.) | 12 |
| § 22a-461(e) | Requirement for DEEP to adopt regulations requiring registration of sewage system additives. | 10 |

BACKGROUND

General Permits

DEEP uses both individual and general permits to regulate activities. Individual permits are issued directly to an applicant; general permits authorize similar minor activities by one or more applicants. The authorization of an activity under a general permit is governed by that general permit.

Legislative History

The House referred the bill (File 474) to the Planning and Development Committee, which reported a substitute that eliminates

the prior bill's provisions requiring (1) municipal water pollution control plans prepared and updated by a municipal water pollution control authority to be consistent with the state's plan of conservation and development and submitted to DEEP for approval and (2) a public hearing to be held on a permit application for a water quality certification under the federal Water Pollution Control Act if a petition signed by at least 25 people requests one.

Related Bills

sHB 6441 (File 88), reported favorably by the Environment Committee, modifies the minor dam activity general permit notice and comment requirements.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 18 Nay 10 (03/27/2013)

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (04/23/2013)